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Attorneys for Defendant Robert Dillon

United States District Court

District of Nevada

United States of America,

Plaintiff,

v.

Robert Dillon,

Defendant.

Case No. 2:19-cr-00149-JAD-EJY-2

Unopposed Motion for Preparation of
Pre-Plea Investigation Report¹

Memorandum of Points and Authorities

Mr. Dillon, by and through his attorneys, Richard A. Wright, Esq. and Sunethra Muralidhara, Esq., of Wright Marsh & Levy hereby move this Court for an order directing the United States Probation Office to prepare a Pre-Plea Investigation Report to determine whether Mr. Dillon is a career offender and his applicable criminal history.²

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¹ This motion is timely filed. No deadlines are applicable.

² Defense counsel met and conferred with the government as to this filing. The government does not oppose this filing.

1 Mr. Dillon was charged by way of a multi-count indictment on June 12, 2019. At his
2 arraignment and plea, he pled not guilty to (1) count one, conspiracy to distribute a controlled
3 substance (Fentanyl) under 21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(B)(vi); (2) count four,
4 distribution of a controlled substance (Fentanyl) under 21 U.S.C. §§ 841(a)(1), and
5 (b)(1)(B)(vi); and (3) count six, felon in possession of a firearm under 18 U.S.C. § 922(g)(1)
6 and 924(a)(2). ECF 24; 29. Counts one and two carry a five-year mandatory minimum sentence
7 and 40-year maximum sentence.

8 The parties are in the process of attempting to negotiate this case. The parties believe
9 they will be able to resolve this case short of trial. Based on the parties review of Mr. Dillon's
10 criminal history, there is concern that Mr. Dillon may be considered a career offender. If Mr.
11 Dillon is considered a career offender, his projected guideline range is much higher than
12 anticipated.

13 Mr. Dillon does have known criminal history, although the defense does believe his
14 criminal history does not amount to a category VI. Determining whether Mr. Dillon is a career
15 offender will determine his criminal history level because regardless of his prior offense
16 criminal history calculation, if he is a career offender, his criminal history will automatically be
17 determined at a level VI.

18 On December 27, 2019, co-defendant Melvin Dillon filed an unopposed motion for
19 preparation of a Pre-Plea Investigation Report. ECF 42. Mr. Melvin Dillon had similar
20 concerns regarding his possible status as a career offender. On January 3, 2020, the Court
21 granted Mr. Melvin Dillon's request. ECF 43.

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1 To satisfy Mr. Dillon's concerns and to assure that he has the information he needs to
2 make a truly knowing and intelligent decision, as to whether to accept or reject the
3 government's potential plea offer, he has requested that a Pre-Plea Presentence Investigation
4 Report be completed to determine if his prior convictions will trigger the career offender
5 designation under the United States Sentencing Guidelines §§ 4B1.1 and 4B1.2. This request
6 is also made in an effort to promote judicial economy.

7 DATED April 18, 2021.

8 Wright Marsh & Levy

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10 By: /s/ Richard A. Wright
11 Richard A. Wright
12 Sunethra Muralidhara
13 Attorneys for Mr. Robert Dillon
14

15 ~~PROPOSED~~ ORDER

16 IT IS HEREBY ORDERED that the United States Probation Office shall prepare a Pre-Plea
17 Presentence Investigation Report with respect to Defendant Robert Dillon's criminal history
18 points and corresponding criminal history.

19 Dated: April 19, 2021:

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21 United States Magistrate Judge
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